

# EXHIBIT 15

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**From:** Kutscher Clark, Martie <MKutscherClark@gibsondunn.com>  
**Sent:** Tuesday, June 8, 2021 4:53 PM  
**To:** Lesley Weaver; Matt Melamed; Matthew Montgomery; Anne Davis; Derek Loeser; David Ko; Cari Laufenberg  
**Cc:** Gail Andler; Daniel B. Garrie; Snyder, Orin; Stein, Deborah L.; Falconer, Russ; Mumm, Laura C.; Sullivan, Luke M.  
**Subject:** In re: Facebook, Inc. Consumer Privacy User Profile Litigation, No. 3:18-md-02843-VC-JSC

**Confidential Mediation Communication**

Counsel:

We have reviewed the ‘non-exhaustive’ list of information Plaintiffs seek regarding the list of apps I circulated on May 5 as part of our mediation of the ADI dispute. There are certain categories of data that Facebook would be willing to discuss providing pursuant to a negotiated protocol in full resolution of the ADI dispute. We note, however, that much of the list seeks information that Facebook does not maintain, that would be extraordinarily burdensome for Facebook to locate for thousands of apps, or that is categorically privileged. For example:

- Facebook does not maintain in any structured form a “description of app[s] provided by [the] developer or annotated by FB.” It seems Plaintiffs are referencing the type of information one would find in an app store, which Facebook does not maintain.
- Facebook cannot plausibly provide data points that would show “[t]he number of FB users who did not download [each] app whose info was accessed.”
- Plaintiffs’ request for “[t]he tier/phase of ADI process [each] app falls under . . . and . . . the reasons for elevation” asks for categorically privileged information and attorney work product regarding the attorney-driven ADI team’s legal analysis.

That said, we are hopeful that we can make progress on this issue and we are preparing a proposed protocol aimed toward resolving the parties’ ADI dispute.

Best,  
Martie

**Martie Kutscher Clark**

**GIBSON DUNN**

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